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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,772	07/14/2003	Yuichi Imai	OHK-0002	4030
23353	7590	11/19/2004	EXAMINER	
RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036				BONCK, RODNEY H
ART UNIT		PAPER NUMBER		
		3681		

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

	Application No.	Applicant(s)
	10/617,772	IMAI ET AL.
	Examiner Rodney H. Bonck	Art Unit 3681

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

### Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 07 October 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1,3,4 and 6-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3,4,8 and 9 is/are rejected.
- 7) Claim(s) 6,7,10 and 11 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 October 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   |   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
|  | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

The following action is in response to the amendment received October 7, 2004.

### ***Corrected Filing Receipt***

Receipt is acknowledged of the Request for Corrected Filing Receipt filed July 21, 2004. The spelling of the name of inventor Daisuke Asakura has been corrected.

### ***Drawings***

The substitute sheets of drawings were received on October 7, 2004. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 depends from a canceled claim. For purposes of examination, it is assumed that claim 9 was intended to depend from claim 3.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, and 4 are rejected under 35 U.S.C. 102(a) as being anticipated by Imai et al.(JP 2002-340036). The Imai et al. device discloses an electromagnetic clutch having a coil 8, a rotor 7, and an armature 14. The armature includes a magnetism blocking portion at an approximate middle portion as seen in Fig. 3 of Imai et al. Magnetism blocking portions 15a,15b are provided in the rotor of Imai et al. and provide a plurality of magnetic poles. The Imai et al. disclosure teaches that the area of the outer poles is smaller than the area of the inner poles.

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claims 1, 3, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Bennett('855). Bennett discloses an electromagnetic clutch having a coil 32, a rotor 21, and an armature 52,54. The armature includes a magnetism blocking portion at an approximate middle portion as seen in Figs. 1 and 2 of Bennett. Magnetism blocking

portions are provided in the rotor of Bennett, as seen in Fig. 1, and provide a plurality of magnetic poles. Bennett teaches that the inner pole face area is "at least equal to or greater than" the face area at the outer pole, *i.e.*, the outer pole has a smaller area.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Imai et al.(JP 2002-340036) or Bennett('855) taken in view of Nasu et al.(US 2001/0050522 A1). Neither Imai et al. nor Bennett teach providing a chromate film on the armature disk. The Nasu et al. disclosure suggests the provision of a chromate coating on a sliding metal member for increased corrosion resistance and improved

sliding properties. It would have been obvious to provide a chromate film on the armature disk of Imai et al. or Bennett, the motivation being to take advantage of the improved corrosion resistance and sliding properties provided by a coating of chromate.

### ***Allowable Subject Matter***

Claims 6, 7, 10, and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicants' substitute drawings and amendments to the specification filed October 7, 2004 overcome the previous objection to the drawings. The objection to the drawings is withdrawn.

The substitute Abstract overcomes the objection to the abstract set forth in the previous Office action. The objection to the abstract is withdrawn.

Applicants' amendments to the specification overcome the objection to the disclosure set forth in the previous Office action. The objection is withdrawn.

The response of October 7, 2004 also overcomes the rejections under 35 USC 112, first and second paragraphs. Accordingly, those rejections are withdrawn.

In the arguments filed October 7, 2004, applicants maintains that Sharai('600) does not necessarily have the claimed area relationship but merely shows a wider inner pole as compared to the outer pole. This point is well taken and the rejection based on

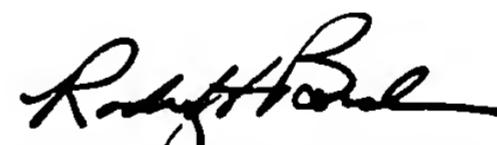
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Sharai is withdrawn. It is submitted, however, that the newly cited references do teach the area relationship claimed and, accordingly, a new rejection has been applied. This new rejection was not necessitated by amendments to the claims. Therefore, this action is not a final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (703)-308-2904. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (703)-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rodney H. Bonck  
Primary Examiner  
Art Unit 3681

rhb

November 15, 2004